

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001** : **MDL 03-1570 (GBD)**

This Document Relates To:

Havlish, et al. v. bin Laden, et al., Case No. 03-CV-09848

Federal Insurance Co., et al. v. al Qaida, et al., Case No. 03-CV-06978

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-CV-06977

Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al., Case No. 04-CV-1076

PROPOSED ORDER

Upon consideration of the Motion for An Order Creating a Common Benefit Fund filed by the *Havlish* Plaintiffs, the accompanying Memorandum of Law and the attached Exhibits, any response(s) thereto, together with the entire record in these MDL cases, IT IS HEREBY ORDERED and DECREED that Plaintiffs' Motion is GRANTED, and IT IS FURTHER ORDERED that

(1) There shall be created a common benefit fund for the purpose of compensating and reimbursing the *Havlish* attorneys for services performed and expenses incurred in developing and presenting evidence establishing liability against The Islamic Republic of Iran that were relied upon, and resulted in the Findings of Fact And Conclusions of Law used to produce liability and damages findings and, ultimately, judgments in *Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977, *Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-1076, and *Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978; AND IT IS FURTHER ORDERED that

(2) Plaintiffs' counsel in *Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-CV-06977, *Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.*, Case No. 04-CV-

1076, and *Federal Insurance Co., et al. v. al Qaida, et al.*, Case No. 03-CV-06978 (the “Assessed Plaintiffs”) are hereby directed to set aside eight percent (8%) of any gross recovery obtained pursuant to, and/or in full or partial satisfaction of their judgments against Iran, by way of execution, collection, settlement, or by any other means; AND IT IS

FURTHER ORDERED that

(3) Counsel for the Assessed Plaintiffs are hereby directed to place the amounts set aside into a “common benefit escrow account” to be established and maintained by lead counsel for the *Havlish* Plaintiffs, and said funds shall be distributed to the *Havlish* attorneys in accordance with their agreement(s).

SO ORDERED.

Date: March ___, 2016
New York, NY

George B. Daniels
United States District Judge